

Serial No. 10/508,922**Atty. Doc. No. 2002P04668WOUS****REMARKS**

Claims 9-18 are pending in the present application. The Office Communication incorrectly states that claims 1-18 are pending. Claims 9-18 stand rejected under 35 USC 102(b) as being anticipated by Saito.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

The Applicants traverse the rejections under 35 USC 102 because, among other reasons, the Saito reference does not contain all of the elements of independent claim 9 or independent claim 14. In particular, claim 9 includes the limitations of "reducing the control ratio if the time response of the actual value has a dwell time during which the actual value has a value within the tolerance band that is smaller than a first defined time period during operation of the technical plant" and claim 14 includes the limitations of "an adaption device that constantly applies the actual value of a control variable during the operation of the technical plant so the adaption device and the control ratio can be constantly changed relative to the time response of the actual value until the actual value of the control variable remains within a tolerance band relative to the set value with the control ratio being reduced by the adaption unit if the time response of the actual value has a dwell time during which the actual value accepts a value within the tolerance band that is smaller than a first defined time period." The Examiner cites column 6, lines 39-45 of Saito as describing these limitations; however, no such teaching is to be found in that portion of Saito. That portion of Saito describes a process that uses only overshoot and damping ratio as the inputs to a decision regarding tuning of the control process. Saito teaches that "If any one of the overshoot and damping ratios does not fall within the permissible range, the decider 5 actuates the control parameter modifier 6." Thus, Saito tunes based upon how far beyond the tolerance band the actual value of the control variable extends, whereas claims 9 and 14 tune based upon the time period during which the actual value is within the tolerance band. Thus, Saito actually teaches away from independent claims 9 and 14. Accordingly, the rejections of claims 9-18 should be withdrawn.

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The Applicants note that many of the dependent claims provide additional limitations that are not taught by Saito, in spite of the Examiner's citation to various sections of Saito. As an example and not meaning to be limiting, claim 12 includes the limitation of "wherein the control ratio is reduced if a first change rate of the actual value is greater than a second change rate of the set value" which the Examiner states is taught in Saito column 6, lines 39-45. Again, a close reading of this portion of Saito reveals that Saito includes no teaching regarding change rates of the actual control value or of the set value. In fact, Saito is actually teaching away from this claim 12 limitation at column 6, lines 39-45 because he is assuming a fixed set value rather than a changing set value.

The Applicants note that new claim 19 is added herein, and it is novel over Saito because it includes the related limitation of "reducing the control ratio if a change rate of the actual value is greater than a change rate of the set value." Saito fails to teach or suggest such a limitation or a method containing such a process step.

In another example, the Examiner cites column 13, lines 62-67 of Saito as anticipating the claim 13 limitation of "wherein the control ratio is increased if the time response of the actual value has a rise time that includes the period from the start of a change of the set value until reaching an instantaneous value of the actual value within the tolerance band that is greater than a second defined time period." However, a close examination of that portion of Saito reveals that there is no such teaching in Saito. Rather, that portion of Saito (through column 14, line 32) is describing a technique for calculating a variable integration time T_i and differential time T_D . Thus, while the concept of "rise time of control response" is mentioned at column 13, line 62" this should not be confused as teaching the limitations of claim 13.

Other dependent claims provide other bases for novelty over Saito, but further discussion of such differences are considered unnecessary herein due to the above-described patentability of the pending independent claims.

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The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 2/20/17

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